

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CLARENCE W. BROOKS)	
)	
Plaintiff,)	
vs.)	NO. CIV-12-0822-HE
)	
GARFIELD COUNTY JAIL, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiff Clarence W. Brooks, appearing *pro se*, filed this action pursuant to 42 U.S.C. § 1983 against the Garfield County Jail, Bill Winchester, Garfield County Sheriff, and Dorothy Tabor, Garfield County jail administrator. He claims defendants violated his constitutional rights while he was incarcerated at the jail and seeks to proceed *in forma pauperis*.


Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Magistrate Judge Roberts, who has recommended that plaintiff's action be dismissed without prejudice for failure to comply with her order directing him, after he was released from the jail, to submit a new *ifp* application.¹ Plaintiff failed to object to the Report and Recommendation and thereby waived his right to appellate review of the issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996; *see* 28 U.S.C. § 636(b)(1)(C)).

Accordingly, the court **ADOPTS** Magistrate Judge Robert's Report and Recommendation and dismisses this action without prejudice.

¹*Plaintiff's initial application, filed while he was incarcerated, was deficient.*

IT IS SO ORDERED.

Dated this 15th day of November, 2012.



JOE HEATON
UNITED STATES DISTRICT JUDGE